

REMARKS

I. Formal Matters

By this Amendment, Applicant amends claims 1, 2, 7, and 9 for reasons of clarity and precision of language. By this Amendment, Applicant also adds new dependent claims 10-12. As such, claims 1-12 are all the claims pending in the present Application.

Applicant notes again that the Examiner has not yet indicated in an office action that the certified copy of the priority document, submitted February 23, 2004, has been received by the Patent Office. Applicant therefore again respectfully requests the Examiner to kindly make such indication in the next official communication.

Statement of Substance of Interview

Applicant thanks the Examiner for the courteous telephonic interview on September 12, 2008. An Examiner's Interview Summary Record (PTO-413) was not provided to the Applicant; however, Applicant submits the following Statement of Substance of Interview:

During the interview, the following was discussed: distinguishing the features recited in the claims from Nagarajan et al. (US Pub. 2004/0062248; hereinafter "Nagarajan") for at least the reasons submitted in the Amendment of June 23, 2008

1. Brief description of exhibits or demonstration: none
2. Identification of claims discussed: 1-3
3. Identification of art discussed: Nagarajan
4. Identification of principal proposed amendments: none

5. Brief identification of principal arguments: that Nagarajan does not disclose, *inter alia*, “determining whether or not a sliding window ... is full of IP packets” and “updating sequence numbers stored in the sliding window by adding a size of the sliding window or predetermined amount to each of the sequence numbers,” as recited in claim 1, for at least the reasons presented in the Amendment of June 23, 2008; that Nagarajan does not disclose the features recited in claims 2 and 3 for at least the reasons presented in the Amendment of June 23, 2008.

6. Indication of other pertinent matters discussed: that the Examiner may not have fully addressed the remarks submitted in the Amendment of June 23, 2008

7. Results of Interview: no agreement was reached

8. It is respectfully submitted that the instant STATEMENT OF SUBSTANCE OF INTERVIEW complies with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04.

II. Rejection of Claims

Regarding claim 1, Applicant respectfully submits that Nagarajan does not disclose, *inter alia*, “determining whether or not a sliding window ... is full of IP packets, **wherein the sliding window is full when a number of packets received is equal to the size of the sliding window,**” as recited in claim 1. As shown in Figure 2 of Nagarajan, for example, the number of IP packets received is not counted, and as such a determination cannot be made as to whether the number of packets received equals the size of the sliding window, as received in claim 1.

Additionally regarding claim 1, Applicant respectfully submits that Nagarajan does not disclose, *inter alia*, “determining whether or not a sliding window ... is full of IP packets.” In the Non-Final Office Action of August 29, 2007, as well as in the Final Office Action of February 21, 2008, it appears that the Examiner may have intended to cite paragraph 0010, lines 7-20, of Nagarajan as disclosing these features of claim 1. *See* NFOA pg. 3; FOA pg. 3. This paragraph of Nagarajan, however, discloses concatenating two values to generate a full sequence number for use in the determination of which packets to accept and which packets to reject. *See* Nagarajan ¶ 0010. Figures 2-6F of Nagarajan disclose pseudo code for sliding window algorithms, but the code does not disclose the determination of whether a sliding window is full of IP packets. Because it does not appear that the disclosure of Nagarajan **uses** the outcome of such a determination, it is not surprising that Nagarajan would not disclose **making** such a determination. For at least these reasons, Applicant respectfully submits that Nagarajan cannot anticipate claim 1.

Further regarding claim 1, Applicant respectfully submits that Nagarajan does not disclose, *inter alia*, “updating sequence numbers stored in the sliding window by adding a size of the sliding window or predetermined amount to each of the sequence numbers.” In the Final Office Action, the Examiner contended that Figure 2 of Nagarajan discloses these unique features of claim 1. Applicant respectfully submits that Figure 2 does not support the Examiner’s contention for at least the following reasons.

First, the Examiner asserted that Figure 2 of Nagarajan discloses that sequence number “select_counter” is being updated by “adding a size of the sliding window,” as recited in claim 1.

See FOA pg. 2. Even if, *arguendo*, “select_counter” corresponds to the “sequence numbers” of claim 1, Figure 2 of Nagarajan does not disclose that this variable is updated in this manner. Instead, Figure 2, lines 19-20, of Nagarajan discloses that a conditional if/then statement determines whether “rec_seq_no” is within a range bounded by “select_counter” and “select_counter+window_sz.” “Select_counter” is not updated until line 25 of Nagarajan’s Figure 2, at which point it is only set equal to “rec_seq_no” plus 1. In other words, “select_counter” is never updated by adding “window_sz” to it. Applicant also respectfully submits that paragraph 0033 of Nagarajan does not disclose such updating of sequence numbers for at least the same or similar reasons.

Second, the variable “select_counter” is not itself a sequence number but rather a “counter ... that keeps track of the sequence number of the next **expected packet**.” See Nagarajan FIG. 2 lines 5-6 (emphases added). Applicant respectfully submits that updating a counter, especially one that only anticipates the sequence number of an upcoming packet but does not equal the sequence number itself, does not amount to updating a sequence number. Moreover, Figure 2 of Nagarajan discloses that the variable “rec_seq_no” holds “the sequence number of the received packet.” See Nagarajan FIG. 2 line 4. Even if, *arguendo*, “rec_seq_no” of Nagarajan corresponds with the “sequence numbers” of claim 1, Figure 2 of Nagarajan does not disclose that “rec_seq_no” is updated in any manner, much less that “window_sz” is added to “rec_seq_no.”

Third, regarding “sender_seq_no,” even assuming *arguendo* that “sender_seq_no” corresponds with the “sequence numbers” of claim 1, any updating of “sender_seq_no” is

performed by the “sender” of the IP packets. *See* Nagarajan FIG. 2 line 13. Because the “receiver” of Nagarajan and not the “sender” contains the operations related to the sliding window, Applicant respectfully submits that Figure 2, line 16, of Nagarajan does not disclose “updating sequence numbers [that are] **stored in the sliding window**,” as recited in claim 1.

For at least these reasons, Applicant respectfully submits that Nagarajan cannot anticipate claim 1.

Regarding claim 2, Applicant respectfully submits that claim 2 is patentable for at least the same or similar reasons as those submitted for claim 1. Additionally, the Examiner contended in the Final Office Action that paragraph 0028 of Nagarajan discloses “determining whether or not the sliding window is full of IP packets,” as recited in claim 2. *See* FOA pg. 4. Instead, paragraph 0028 of Nagarajan only discloses the appropriate maximum size of the sliding window, not **making a determination** as to whether the sliding window is full of IP packets. Because such a determination is not made in Nagarajan, the cited reference cannot disclose “updating the sliding window **if the sliding window is full of IP packets**,” as recited in claim 2. Moreover, paragraph 0027 discloses that “the set of acceptable sequence numbers is **updated** ... **whenever a data packet is accepted**,” not if the sliding window is full of IP packets. *See* Nagarajan ¶ 0027 (emphasis added). For at least these reasons, Applicant respectfully submits that Nagarajan cannot anticipate claim 2.

Regarding claims 3-6, which ultimately depend from independent claim 2, Applicant respectfully submits that claims 3-6 are patentable at least by virtue of their dependency from

claim 2. Applicant also respectfully submits that claims 3-6 are patentable at least by virtue of the additional features recited therein, examples of which were given in previous filings.

For example, regarding claim 3, in the Examiner cited paragraph 0025 of Nagarajan as disclosing the features of claim 3. *See* FOA pg. 4. Applicant respectfully submits, however, that nothing in paragraph 0025 describes setting specific values for the leftmost and rightmost portions of the sliding window. Moreover, nothing in the cited portion mentions setting the leftmost and rightmost values of the sliding window to 0 and 1, respectively. Indeed, Nagarajan is completely silent in this regard. Therefore, Applicant respectfully submits that Nagarajan fails to teach or suggest all of the features of dependent claim 3.

Regarding claims 7 and 8, Applicant respectfully submits that claims 7 and 8 are patentable at least for the same or similar reasons as those submitted for claims 1 and 2. Also regarding claim 8, which depends from independent claim 7, Applicant respectfully submits that claim 8 is patentable at least by virtue of its dependency from claim 7. Regarding claim 9, Applicant respectfully submits that claim 9 is patentable at least for the same or similar reasons as those submitted for claim 1.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111 AND
STATEMENT OF SUBSTANCE OF INTERVIEW
Application No.: 10/782,855

Attorney Docket No.: Q78951

This Amendment is being filed via the USPTO Electronic Filing System (EFS). Applicant herewith petitions the Director of the USPTO to extend the time for reply to the above-identified Office Action for an appropriate length of time if necessary. Any fee due under 37 U.S.C. § 1.17(a) is being paid via the USPTO Electronic Filing System (EFS). The USPTO is also directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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